

REG-94-006 DRUG TAX STAMPS; AMOUNT OF TAX OWED

006.01 Any taxpayer in possession of marijuana or controlled substances in amounts equal to or greater than the minimum threshold amounts shall purchase drug tax stamps from the Department of Revenue in an amount at least equal to the amount of tax due on the drugs.

006.02 Any person in possession of the threshold amount of any single type of drug shall be considered a dealer and shall be liable for taxes on all other drugs in his or her possession, regardless of whether or not the dealer possesses the other drugs in quantities sufficient to meet minimum threshold amounts.

006.03 In the event a dealer liable for drug taxes owes an amount unequal to any possible combination of drug stamp denominations, that dealer shall be required to purchase stamps valued at the next lowest amount possible which exceeds the actual amount of tax owed on the drugs the dealer possesses.

006.04 In the event a dealer purchases drug stamps in an amount at least equal to his or her tax liability for a quantity of marijuana or controlled substances but then subdivides the original quantity of drugs into smaller quantities, an appropriate amount of drug stamps must be affixed to each new container.

006.04A The amount of stamps affixed to each container of subdivided marijuana or controlled substance must reflect at least the tax owed on the quantity of marijuana or controlled substance therein.

006.04B Each container of marijuana or controlled substance must be affixed with a sufficient amount of drug stamps, regardless of the quantity of drug therein, if the aggregate amount of the drugs in the dealer's possession meets a threshold amount.

006.05 In the event a dealer affixes drug stamps to a container of taxable drugs in an amount insufficient to meet his or her tax liability for a quantity of marijuana or controlled substances, the dealer shall be liable only for the amount of tax still owed, a penalty equal to the amount of the tax owed, and any applicable interest.

006.06 A dealer is solely responsible for determining and affixing the proper amounts of drug tax stamps to all marijuana and controlled substances in his or her possession.

(Sections 77-4301(2), 77-4302, 77-4307, and 77-4309. February 2, 1992.)